

# **FISCAL MEMORANDUM**

## **SB 3280 – HB 3637**

March 28, 2008

**SUMMARY OF AMENDMENT (015664):** Deletes the language of the original bill. Amends the open government law in several ways. Requires state, county, and municipal records to be open to any person during regular business hours. Requires the Municipal Technical Advisory Service (MTAS), the County Technical Assistance Service (CTAS), the Tennessee School Board Association, the Utility Management Review Board, and the State Emergency Communications Board to provide training to local government entities regarding the open meetings law. Establishes in general law the Office of Open Records Counsel and creates an Advisory Committee on Open Government.

### **FISCAL IMPACT OF ORIGINAL BILL:**

Increase State Expenditures - \$22,500/One-Time  
Increase State Expenditures - \$140,400/Recurring

Increase Local Expenditures – Exceeds \$100,000/Recurring

### **FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Increase State Expenditures – \$22,500/One-Time  
\$152,600/Recurring**

**Increase Local Expenditures\* – Exceeds \$100,000/Recurring**

Assumptions applied to amendment:

- In the absence of this legislation, the governor would continue to fund the two existing positions in the Office of Ombudsperson (known as the Office of Open Records Counsel in this amendment) in the appropriations bill.
- According to the Comptroller, state expenditures will increase \$140,000 for the statutory establishment of the Office of Open Records Counsel. This will require an additional full-time professional at a salary of \$81,000 and benefits of 23% (\$18,630) for a total compensation of \$99,630. \$25,000 is for statewide travel costs for the new employee. \$10,000 is for educational materials and programs. \$20,000 is a one-time cost for software development and equipment, including the

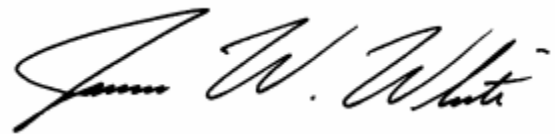
development of a new computer program and development of a public website with search capabilities. There will be a recurring \$5,000 cost for continued maintenance.

- State expenditures will increase \$2,500 one-time and \$7,500 recurring for training programs. MTAS and CTAS have already established training programs on open government and will not require additional resources. The Tennessee School Board Association and the State Emergency Communications Board can incorporate open government training into existing training with no significant additional cost. The Utility Management Review Board does not currently have such training in place. The Board estimates a recurring increase in expenditures of \$7,500 for training program travel and materials per year. These programs will be held annually in five locations statewide. The Board estimates a one-time increase in expenditures of \$2,500 for development of the program.
- State expenditures will increase \$5,128 for travel costs for the Advisory Committee [(6 non-legislator members x 4 meetings per year = 24) x \$120 travel reimbursement = \$2,880], ([2 legislator members x 4 meetings per year = 8) x (\$161 per diem and \$120 travel) = \$2,248].
- Local government expenditures will increase as a result of additional requirements placed on the custodian of records. This increase is expected to exceed \$100,000.

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/kmc